

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

\* \* \* \*

9 KEVIN FERNANDEZ, )  
10 Plaintiff, ) 3:10-cv-00373-LRH-VPC  
11 v. ) ORDER  
12 STATE OF NEVADA, *et al.*, )  
13 Defendants. )  
\_\_\_\_\_  
)

15 Before the Court is Plaintiff Kevin Fernandez’s (“Fernandez”) Objection to the  
16 Magistrate Judge’s Order (Doc. #122<sup>1</sup>) pursuant to 28 U.S.C. § 636(b)(1)(A), Federal Rule of  
17 Civil Procedure 72(a), and Local Rule IB 3-1(a). Doc. #139. A magistrate judge’s orders  
18 operate as final determinations of pretrial matters under 28 U.S.C. § 636(b)(1)(A) and Local  
19 Rule IB 1-3. Accordingly, a district judge may reconsider a magistrate judge’s order only if it  
20 is “clearly erroneous or contrary to law.” 28 U.S.C. § 636(b)(1)(A); Fed. R. Civ. P. 72(a);  
21 LR IB 3-1(a).

22 Here, Fernandez objects to the Magistrate Judge’s Order denying in part his request for  
23 production of his parole board file as it relates to his history of litigation. *See* Doc. #139.  
24 Specifically, Fernandez asserts that these documents are public records and should have been  
25 produced pursuant to Nevada Revised Statute 179.A100 (1), (5). The Court disagrees and finds  
26 that the Magistrate Judge’s Order was not clearly erroneous or contrary to law. Nevada Revised  
27 Statute 213.1075 specifically provides for the confidentiality of all information obtained by the

<sup>1</sup> Refers to the Court's docket entry number.

1 parole board, unless otherwise provided by specific statute. While Nevada Revised Statute  
2 179A.100 requires dissemination of “records of criminal history,” it does not provide for  
3 dissemination of parole board files that are otherwise privileged pursuant to Nevada Revised  
4 Statute 213.1075. Moreover, under Nevada Revised Statute 179A.070, “record of criminal  
5 history” does not encompass information related to a person’s history of litigation. Finally, it  
6 was fully within the Magistrate Judge’s discretion to conduct an in camera review to determine  
7 whether the documents at issue are privileged and confidential. *See Kerr v. U.S. Dist. Court for*  
8 *the No. Dist. of Cal.*, 426 U.S. 394, 405-06 (1976) (citing *United States v. Nixon*, 418 U.S. 683,  
9 706 (1974)). Fernandez does not object to the manner in which the Magistrate Judge conducted  
10 the in camera review in this instance. Accordingly, the Court finds that the Magistrate Judge’s  
11 determination as to the confidentiality of Fernandez’s parole board file as it relates to his history  
12 of litigation was not clearly erroneous or contrary to law. Because the Court concludes that the  
13 Magistrate Judge’s ruling in this regard was not clearly erroneous or contrary to law, the  
14 remaining bases on which Fernandez objects to the Magistrate Judge’s Order are moot and need  
15 not be addressed by the Court. Fernandez’s Objection is therefore overruled.

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17 IT IS THEREFORE ORDERED that Fernandez’s Objection (Doc. #139) is  
18 OVERRULED.

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IT IS SO ORDERED.

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DATED this 6th day of May, 2014.

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LARRY R. HICKS  
UNITED STATES DISTRICT JUDGE

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